



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 27, 2013

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Michael Morisy
MuckRock News
DEPT MR 6482
P.O. Box 55819
Boston, MA 02205-5819

RE: Request Number: EPA-R3-2013-009030

Dear Mr. Morisy:



This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) Region 3 seeking all correspondence regarding the Capitol Power Plant generated or received between January 1, 2012 and the date that this request is processed.

In determining whether the statutory requirements are met for a waiver of fees, agencies must consider six factors in making a fee waiver determination. By letter of August 16, 2013 we informed you of the six factors and asked that you provide additional written justification. We have not received your response and therefore we are denying your request for a fee waiver. Region 3 will be responding to your information request. You have been placed in the media fee category, and will be charged for duplication costs excluding the first 100 pages. If the estimated costs exceed \$25.00, Region 3 will contact you regarding the costs of processing your request and seek an assurance of payment. They will be unable to process your request until they receive your assurance of payment.

Under the FOIA, you have the right to appeal this determination to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: foia_hq@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Should you choose to appeal this determination, please be sure to fully address all factors required by EPA's FOIA Regulations, located at 40 C.F.R. § 2.107(l) in your appeal. If you have any questions concerning this determination please contact me at (202) 566-1667.

Sincerely,


 Larry F. Gottesman
National FOIA Officer